IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5163 OF 2005

Madhukar Baburao Dhonukshe .. Petitioner.

vs.

Gourabai Maruti Jagtap
who calls herself as Gourabai
Maruti Kopatkar & Ors. .. Respondents.

Mr. S.S. Patwardhan for petitioner.
Mr. V.V. Bandiwadekar for respondent no.1.

CORAM : S.U. KAMDAR, J.
DATE : 12th December, 2005.

P.C.:

. By the impugned order dated 5.7.2005 the trial Court rejected the application for amendment under Order 6 Rule 17 CPC. By the said amendment the valuation para of the plaint was to be amended. It is the case of the respondent that the suit is undervalued and even after amendment the valuation is not correct. It is also the case of the respondent that the suit is beyond the pecuniary jurisdiction of the trial Court. I am of the opinion that the amendment can be permitted.

However, it is made clear that the issue as to jurisdiction and whether the suit is properly valued or not even if the amendment is carried out is to be determined by the trial Court in a proceedings while deciding the pecuniary jurisdiction of that Court. With the aforesaid observation the petition is allowed. The amendment to be carried out within one week. The trial court to proceed with the suit from the said stage. Petition disposed of accordingly. No order as to costs.